

Amendments to the Claims:

This listing of claims will replace all prior versions and listings of claims in the application:

Listing of Claims:

1 Claim 1 (previously presented): An isolated and/or
2 recombinant nucleic acid comprising a nucleic acid sequence
3 as shown from about position -778 to about position -422 in
4 Figure 1 or a nucleic acid functionally equivalent thereto,
5 allowing for expression of a nucleic acid of interest
6 operably linked to said promoter or functional fragment
7 thereof in a cancer cell wherein said expression in said
8 cancer cell is epithelium-selective.

1 Claim 2 (original): A nucleic acid according to claim 1
2 wherein said carcinoma comprises lung carcinoma.

1 Claim 3 (canceled)

1 Claim 4 (original): A nucleic acid according to claim 1 of
2 human origin.

1 Claim 5 (previously presented): A nucleic acid according to
2 claim 1 further comprising a nucleic acid of interest.

1 Claim 6 (previously presented): A nucleic acid according to
2 claim 1 further comprising an inducible or suppressible
3 promoter or functional fragment thereof.

1 Claim 7 (previously presented): A nucleic acid according to
2 claim 1 further comprising a suicide gene or functional
3 fragment thereof.

1 Claim 8 (previously presented): A vector comprising a
2 nucleic acid according to claim 1.

1 Claim 9 (previously presented): A gene delivery vehicle
2 comprising a nucleic acid according to claim 1.

Claim 10 (canceled)

1 Claim 11 (withdrawn): An experimental animal comprising a
2 cell according to claim 10.

1 Claim 12 (withdrawn): Use of a nucleic acid according to
2 claim 1.

1 Claim 13 (withdrawn): Use according to claim 12 wherein said
2 medicament is for the treatment of cancer.

1 Claim 14 (previously presented): A medicament comprising a
2 nucleic acid according to claim 1.

1 Claim 15 (withdrawn): A method for the treatment of cancer
2 comprising administering to a patient a nucleic acid
3 according to claim 1.

1 Claim 16 (withdrawn): A method for evaluating a possible
2 treatment of disease comprising testing such treatment on a
3 host cell according to claim 10.

1 Claim 17 (withdrawn): A method according to claim 16 wherein
2 said treatment comprises treatment of disease comprising
3 non-squamous epithelium.

1 Claim 18 (withdrawn): A method according to claim 16 wherein
2 said disease comprises carcinogenesis.

1 Claim 19 (previously presented): A method for the
2 manufacture of a fusion construct allowing for
3 epithelium-selective gene expression comprising the steps of

4 (a) constructing a genetic fusion of a nucleic acid as
5 shown from about -778 to about position -422 in
6 Fig. 1, or a nucleic acid functionally equivalent
7 thereto, operably linked to a gene of interest,

8 (b) introducing the fusion construct in an epithelial
9 cell and in a non-epithelial cell and allowing
10 expression of the fusion construct; and

11 (c) determining whether said fusion construct is
12 expressed in an epithelium-selective fashion.

1 Claim 20 (previously presented): A method in accordance with
2 claim 19 wherein said gene of interest is a suicide gene.

1 Claim 21 (previously presented): A method in accordance with
2 claim 20 wherein said suicide gene is thymidine kinase or
3 cytosine deaminase (CD).

1 Claim 22 (previously presented): A fusion construct allowing
2 for epithelium selective gene expression obtained in
3 accordance with the method of claim 19.

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- 1 Claim 23 (previously presented): A medicament comprising a
- 2 fusion construct in accordance with claim 22.